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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,366	09/22/2000	Christopher John Ling	GB9-1999-0146US1	9751

45541 7590 06/13/2007	EXAMINER	
HOFFMAN WARNICK & DALESSANDRO LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207	HO, THOMAS M	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *19 April 2007*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The preliminary amendment of 10/12/05 has been received and entered.

2.   Claims 1-20 are pending.

Response to Amendments

3.   Applicant argues (page 6):

Shi fails to disclose responsive solely to a request from a client for a web page hosted by a web server, storing an indicator that said client has requested a web page hosted by said web server. Furthermore, Applicants respectfully submit that Shi fails to teach responsive solely to the presence of such an indicator, responding to the request from the client with said element of a web page.

Applicant's arguments have been fully considering but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

       The Applicant has amended the limitation of the independent claims to recite: responsive

solely to a request from a client for a web page. However the Examiner contends that this

recitation is indefinite. In the art of computer science it is well known that each step within a

computer system always causes a large number of intermediary steps, each of which is necessary

to impel the next course of action.

Specifically, the Examiner's rejection was based on the fact that the browser makes a check to

see if the browser supports cookies, and in concert, whether the client has requested the

webpage. The Applicant has tried to overcome the art of record by the amendment "solely

responsive to a request from a client"

However, the Examiner contends that a request from a client would necessarily cause a number

of other actions in a computer system. For example, the server side would then record that a

request from the client has been made. Additional signals would then be generated to the storage

within the server's hard drive and memory to access further data.

       Thus the action of "storing an indicator that said client has requested a web page" is not

possible without at least a signal indicating to the storage means that an indicator is to be stored.

Consequently, the act of "storing an indicator that said client has requested a web page" is no longer *solely* responsive to the act of the client requesting a web page, but is also responsive to the intermediary steps which impel the next courses of action.

Furthermore, the example illustrated by the Examiner above is but one alternative series of steps necessary for the storage to occur. Further steps would include: generating an indicator of the client's request, motioning the hard drive media writing needle to move within the hard drive, generating interrupt signals to alert the operating system that writing to the hard drive or memory would be taking place, etc.

For this reason, Applicant's claims are indefinite. It is clear a strict interpretation would render Applicant's claims inoperative. While a loose interpretation would devoid the term "solely" of its meaning.

For purposes of examination to expedite prosecution, the Examiner has interpreted "solely" to have a causative "if not for X, Y would not happen" connotation.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-8, 11-13, 15-16, 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Shi et al., US patent 5,875,296.

In reference to claim 1:

Shi et al. discloses a method of verifying a right to use an element of a web page hosted by a web server, the method comprising the steps of:

- Responsive to a request from a client for a web page hosted by a web server, storing an indicator that said client has requested a web page hosted by said web server, where the indicator is a cookie, stored on the client side. (Column 8, lines 32-35) The process begins with the client making an HTTP request as disclosed by (Column 8, lines 14-31)

- Responsive solely to a request from a client for an element of a web page, checking for said indicator that said client has requested a web page from said web server, where in response to a client request for a webpage a test is made to see if the browser supports cookies, and if so, has a cookie previously been issued(checking said indicator that client has requested a webpage). (Column 8, lines 21-31)

- Responding to the request from the client for said element of a web page hosted by the web server according to the result of said checking step, where if the cookie authentication was not successful an HTML document describing the failure is returned. (Column 8, lines 51-60)

In reference to claim 2:

Shi et al. discloses a method as claimed in claim 1, wherein said storing step comprises:

Returning to the client a persistent client state object having an identifier therein;

And wherein said checking step comprises checking for said persistent client state object having

the identifier therein returned by said client, prior to said responding step. (Column 8, lines 54-

60)

In reference to claim 3:

Shi et al. discloses a method as claimed in claim 2 wherein the persistent client state object is a

cookie. (Column 6, lines 49-51)

In reference to claim 4:

Shi et al. discloses a method as claimed in claim 2 wherein the persistent client state object

expires after a pre-determined period of time. (Column 7, lines 15-20)

In reference to claim 5:

Shi et al. discloses a method as claimed in claim 1 wherein said storing step comprises adding an

identity of said client to a table associated with said web server; (Column 8, lines 61-66)

And wherein said checking step comprises checking for client identity in said table, prior to said

responding step, where the checking step uses the cookie to check for credentials. (Column 8,

line 66) – (Column 9, line 13)

In reference to claim 6:

Shi et al. discloses a method as claimed in claim 1 wherein said table includes an expiry time

associated with a respective client identity in said table, where the unique id stored in a cookie, is

stored in a table (Column 8, lines 61-66) and where cookies have an expiry time associated with

a client identity in the table (Column 7, lines 15-20)

In reference to claim 7:

Shi et al. discloses a method of verifying a right to use an element of a web page hosted by a web

server, the method comprising the steps of:

- Responsive to a request from a client for an element of a web page, checking said request

  for an indicator that said request results from a client request for a web page hosting by

  an authorized web server, where this request initiates searching for the authentication

  cookie, which may or may not be included in the actual request itself (Column 9, lines 8-

  10) and where the cookie is matched to see if it belongs to the right domain of

  authorization, or an authorized web server (Column 7, lines 26-35) as part of the

  authentication process.

- Responsive solely to the presence of such an indicator, responding to the request from the

  client with said element of a web page, where upon authentication the web document is

  retrieved. (Column 9, lines 3-10)

In reference to claim 8:

Shi et al. discloses a method as claimed in claim 7 wherein said indicator comprises a Uniform Resource Locator for said web page, and said checking step comprises checking that said web page URL is from an authorized web server. (Column 7, lines 25-35, lines 51-55) & (column 8, lines 32-41)

In reference to claim 11:

Shi et al. discloses a method as claimed in claim 7 operable in one of said web server or a proxy server connecting said web client to said web server, where (Figure 3) discloses the method operable in a web server connecting the web client to the web server.

In reference to claim 12:

Shi et al. discloses a method as claimed in claim 7 wherein if said checking step fails to detect said indicator, said responding step comprises returning a message for display at the client to the client, where the message is an HTML document describing the error. (Column 8, lines 51-54)

In reference to claim 13:

Shi et al. discloses a method as claimed in claim 7 wherein if said checking steps fails to detect said indicator, said responding step comprises returning a substitute element to the client, where the substitute element is an HTML document with an error message. (Column 8, lines 51-54)

In reference to claim 15:

Shi et al. discloses a method in a web client of verifying a right to use an element of a web page

hosted by a web server, the method comprising the steps of:

- Responsive solely to encountering a request for an element of a web page, checking that

    said request results from a client request for a web page hosted by an authorized web

    server, where this request results in authenticating the client by searching for the

    authentication cookie, where the cookie is matched to see if it belongs to the right domain

    of authorization (authorization server) (Column 7, lines 26-35), and if to be valid is

    searched for the authentication credentials (the unique id) (Column 9, lines 3-10)

- Responsive to such a request, requesting said web page element from a server hosting

    said web page element, where upon authentication the web document is retrieved.

    (Column 9, lines 3-10)

The multiple dependent claim, claim 16, is rejected for the same reasons as claims 1, 7 and 15.

In reference to claim 18:

Shi et al. discloses the method as claimed in claim 1, wherein if said checking step fails to detect

said indicator, said responding step comprises returning a message for display at the client to the

client, where the message is an HTML document describing the error. (Column 8, lines 51-54)

In reference to claim 19:

Shi et al. discloses the method as claimed in claim 1, wherein if said checking step fails to detect

said indicator, said responding step comprises returning a substitute element to the claim, where

the substitute element is an HTML document with an error message. (Column 8, lines 51-54)

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

9.   Claims 9, 10, 14, 17, 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Shi

et al, US patent 5,875,296.

In reference to claim 9:

Shi et al. discloses all of claim 9 except wherein said indicator comprises a meta-tag

incorporated in web pages from authorized servers, and said checking step comprises checking

that said meta-tag is from an authorized web server.

The examiner takes official notice that having a meta-tag incorporated in a web page was

well known to those of ordinary skill in the art. These meta-tags can be used to set cookies and

"label" a URL to possibly identify keys and attributes about the web page. For example,

this introductory web development tutorial

http://www.webdeveloper.com/html/html_metatags_part2.html

discloses their usage in websites.

It would have been obvious to one of ordinary skill in the art to also use as an indicator,

the meta tags of a website to check if the meta-tag came from an authorized server, given that the

meta-tag would allow identification and assessment of the website using more information than

just a URL.

In reference to claim 10:

Shi et al. discloses all of claim 9 except wherein said meta-tag is a PICS compliant tag.

The examiner takes official notice that PICS compliant meta-tags were well known in the

art. An example can be found on this introductory web development tutorial

http://www.webdeveloper.com/html/html_metatags_part2.html

It would have been obvious to one of ordinary skill in the art at the time of invention to

use PICS compliant meta tags, because it is a common standard which may also be used to

identify the owner of the intellectual property, and identify the contents of the website.

In reference to claim 14:

Shi et al. fails to explicitly disclose a method as claimed in claim 7 wherein if said checking step

fails to detect said indicator, said responding step comprises returning no response to the client.

It would have been obvious to one of ordinary skill in the art at the time of invention, to ignore requests that weren't authenticated, and return no response to the client in order to conserve bandwidth by not sending any error message.

The multiple dependent claim, claim 17, is rejected for the same reasons as claims 1-15.

In reference to claim 20:

Shi et al. fails to explicitly disclose a method as claimed in claim 1 wherein if said checking step fails to detect said indicator, said responding step comprises returning no response to the client. It would have been obvious to one of ordinary skill in the art at the time of invention, to ignore requests that weren't authenticated, and return no response to the client in order to conserve bandwidth by not sending any error message.

Conclusion

10.   Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799.

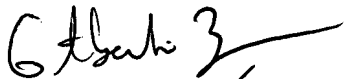The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist   Telephone: 571-272-2100   Fax: 571-273-8300

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TMH

June 7th 2007

GILBERTO BARRON JR
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